

Proposed amendment to Takoma Park Code:

Sec. 6-307. Property Maintenance Code--Stormwater Drainage Across Private Property Lines; Nuisance Declared.

- (a) Stormwater shall not be discharged in a manner that creates a nuisance.
- (b) For purposes of this section, a nuisance is created when one or more of the following conditions exist and the condition has caused, or threatens to cause, substantial damage to land, trees, vegetation or a structure on an adjoining or downhill property:
 - (1) Drainage facilities that are not installed or maintained properly so that, as a result, stormwater floods land or a structure not owned by the owner of the property on which the drainage facility is located.
 - (2) Construction, paving, covering of land with impervious surface, artificial channeling, diversion or concentration of water, removal of trees, or other activity that prevents the absorption of precipitation or disturbs or alters the natural flow of stormwater has been undertaken so that, as a result, stormwater floods land or a structure not owned by the owner of the property on which the activity has occurred or is occurring.
- (c) Definitions.
 - (1) *Drainage facilities* include gutters, downspouts, drains, infiltration devices, vegetative filters, structures, channels, pipes, culverts, ponds, and other devices or measures to control stormwater runoff.
 - (2) *Stormwater* means any runoff flow occurring during or following any form of precipitation and resulting from such precipitation, including snowmelt.
 - (3) *Structure* means a walled or roofed building that is principally above ground and is affixed to a permanent site or location and includes part of a structure. Structure includes a shed, garage, building foundation, deck, swimming pool, or greenhouse.